

Kaiser, Sven-Erik

From: Kaiser, Sven-Erik
Sent: Thursday, September 26, 2013 9:06 AM
To: Behnam, Rostin (Agriculture); Glueck, James (Agriculture)
Subject: Senate Ag Briefing on Worker Protection Standards
Attachments: WPS Briefing for the Hill - senate side 9 19 2013 no notes.pptx

Russ and James – powerpoint for the 10am briefing attached, we'll bring copies. See you shortly Thanks,
Sven

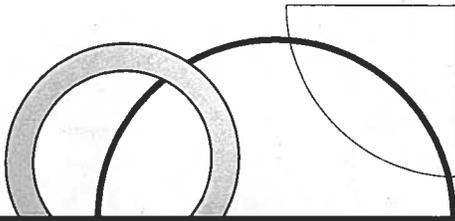
Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753



**Proposed Revisions to EPA's
Agricultural Worker Protection
Standard
40 CFR 170**

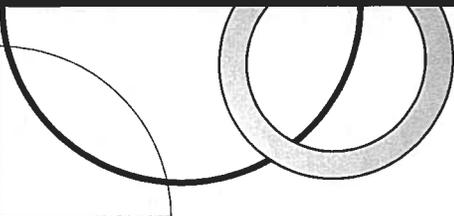
**Briefing for Senate Committee on
Agriculture Staff**

September 2013



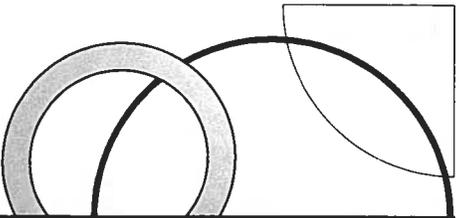
Briefing Outline

- Background
- Current Rule Overview
- Proposed Changes
- Costs & Benefits



Background

- The Agricultural Worker Protection Standard (WPS) was established to improve occupational protections for agricultural workers and pesticide handlers.
- Scope
 - 395,000 agricultural establishments (farms, forests, nurseries, greenhouses)
 - 2,800 commercial pesticide handling establishments (firms that apply pesticides to agricultural crops for hire)
 - 70,000 self-employed pesticide handlers
- Over 480,000 family-owned farms are exempt from almost all of the WPS requirements under a provision for owners and their immediate family members



Relationship Between Pesticide Labeling & WPS

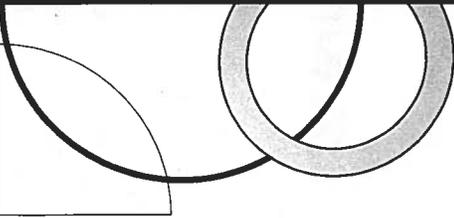
- The labeling has product-specific requirements to protect workers and handlers
- WPS has instructions on how to implement the requirements
- WPS also has general protections too lengthy to place on every label, e.g., requirements for pesticide safety training, hazard communication materials, decontamination, and emergency assistance

Pesticide Labeling

- Length of the restricted entry interval (REI)
- What PPE must be worn
- How to notify workers about the REI (field posting)
- Providing, maintaining, and ensuring proper fit of PPE

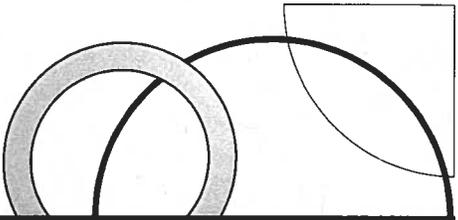
WPS

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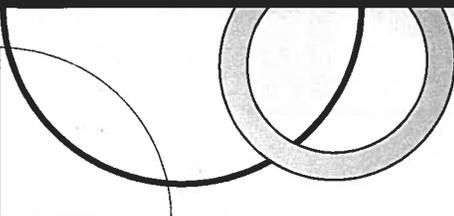
Farmworker Demographics

- Between 1.8 and 2.3 million farmworkers in US
- Non-US born: 78%
- Poverty level: average income \$13,000/year
- Language and Literacy
 - 81% speak Spanish as native language
 - 73% have limited or no ability to read English
 - 85% have difficulty reading in any language
- Child Labor
 - Unknown number of children work in agriculture
- Transitory
 - 42% of crop workers are migrant



Occupational Exposure

- Farmworkers and handlers face high risk of exposure to pesticides through their occupations
 - Hand-labor tasks in pesticide-treated crops, such as harvesting, thinning, pruning
 - Handling (mixing, loading, and applying) pesticides
 - Pesticide drift from neighboring fields
- Studies show that farmworker families may have higher levels of pesticide exposure than non-farmworker families
 - Take-home transfer of pesticide residues
 - Proximity of housing to treated areas

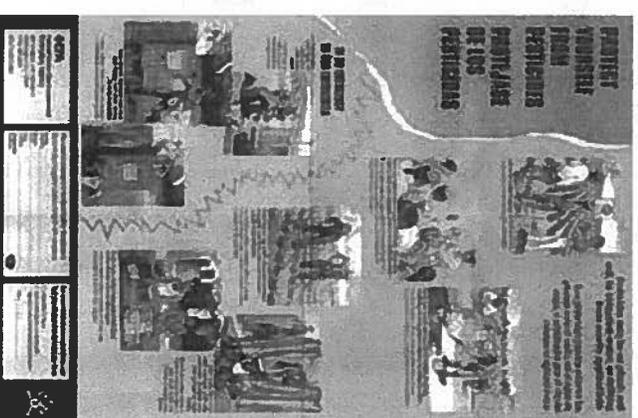


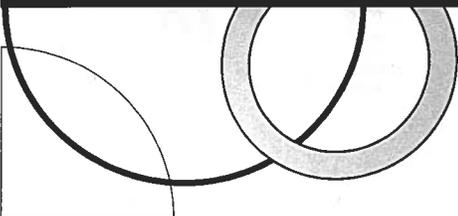
History

- 1972 – Rudimentary regulatory protections – do not spray people, do not enter sprayed area until spray is dried and dust is settled
- 1992 – WPS rule published
- 1992 – 1993 – Pesticide labeling changed to incorporate reference to WPS
- 1993 – 1995 – EPA develops training & compliance assistance materials; minor regulatory corrections to the WPS
- 1995 – Full implementation and enforcement of WPS

WPS – Current Provisions

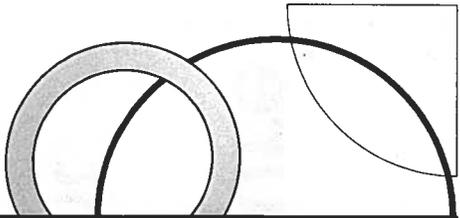
- Pesticide safety training and safety posters
- Notification to workers of treated areas
- Access to labeling and application specific information (hazard communication)
- Personal protective equipment (PPE)
- Decontamination supplies
- Emergency assistance





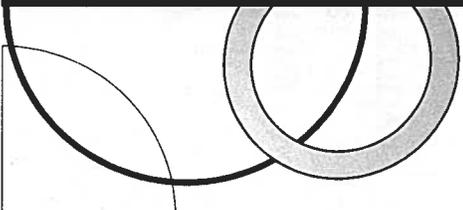
Existing Problems for Agriculture

- Central display difficult to keep current and legible, often cited violation
- Difficult to determine whether workers and handlers received training at another establishment, duplication in training burden
- Parts of the rule unclear, not specific enough (e.g., decontamination water amounts)



Existing Problems for Workers

- Over 1,200 reported cases of occupational incidents involving pesticides each year among those protected by the WPS
 - Incidents underreported; up to 74% in studies
- Incidents suggest that day-to-day exposure may have long-term effects
 - Chronic exposure linked to cancers, neurological disorders, and respiratory problems later in life
- Population is already disadvantaged



Stakeholder Involvement

Natl. Dialogue on Worker Protection Standard - 1997

- Public meetings: WA, CA, TX, MO, IN, PA, MS, FL, DC

Worker Protection Assessment Workshops - 2000-2004

- Public meetings with agricultural interest and worker advocacy groups in TX, CA, FL, DC to evaluate the WPS and program implementation

Natl. Pesticide Worker Safety Program Assessment Report - 2005

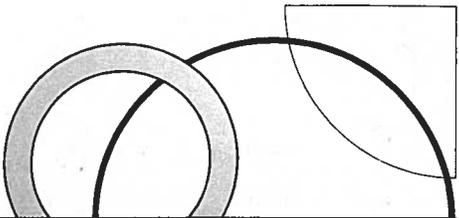
Natl. Assoc. of State Departments of Agriculture Partnership - 2005

Pesticide Program Dialogue Committee FACA Workgroups - 2006-2007

- Participants from USDA, agricultural groups, pesticide industry, state regulators, safety trainers, advocacy groups
- Extensive discussion of issue papers, briefings, conference calls

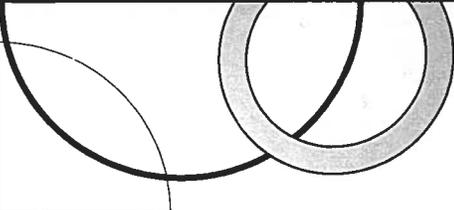
Small Business Advocacy Review Panel – 2008

- Small group of small business owners, including growers, provided input on the options for revising the WPS under consideration by EPA



Proposed Changes - Summary

- Expands exemption for immediate family members on family farms from almost all provisions - increases the number of agricultural establishments unaffected by the proposal's requirements (currently over 480,000)
- Better definitions of who is covered exempts unintentional groups such as students in agricultural courses and garden club members
- Updates to the rule based on years of stakeholder engagement through Pesticide Program Dialogue Committee Subgroup, National Assessment of WPS, and numerous stakeholder meetings
- Revisions will provide protections for agricultural workers and handlers comparable to those provided to workers in all other industries under OSHA
- Proposal reorganized and rule streamlined to make it easier to understand and follow
- Flexibility necessary for agriculture a key consideration of proposals



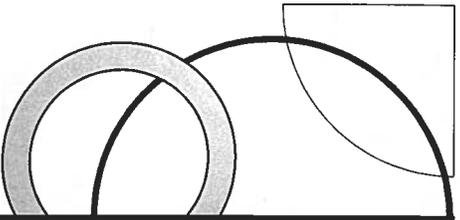
Proposed Changes – Immediate Family

Current

- Immediate family includes spouse, parents, stepparents, foster parents, children, stepchildren, foster children, brothers, and sisters.
- Immediate family members of owner exempted from almost all WPS requirements.

Proposal

- Expand definition of immediate family to include grandparents, grandchildren, father-in-law, mother-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law.
- Retain current exemptions from almost all WPS requirements.
- Take comment on USDA's suggestion to add cousins to the definition of immediate family



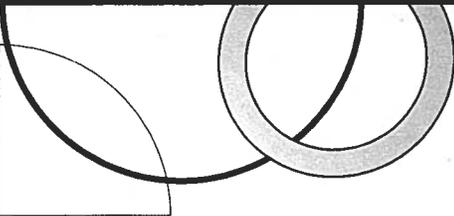
Proposed Changes – Hazard Communication

Current

- Post application-specific information at central display until 30 days after REI expires

Proposal

- Eliminate requirement to display pesticide application at a central location to reduce burden on agriculture and make compliance easier to achieve
- Make available upon request application-specific information, labeling, and SDS
- Retain application-specific information, labeling, and SDS for 2 years



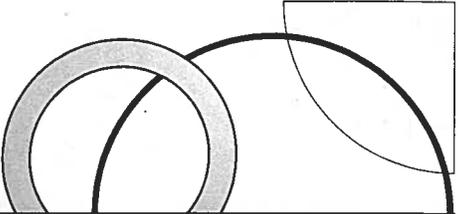
Proposed Changes – PPE

Current

- Employers provide PPE required by labeling & ensure respirator fits correctly
- Closed system description vague – must not allow any pesticide to escape

Proposal

- Adopt by reference OSHA standard for respirators – fit test, evaluation, training
- Add specific requirements for closed systems based on existing CA standard



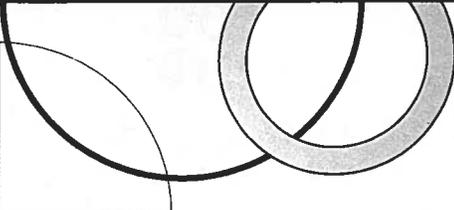
Proposed Changes - Training

Current

- Pesticide safety training every 5 years
- Worker training ~30 minutes
- Handler training ~45 minutes

Proposal

- Pesticide training every year
- Expand training content for workers and handlers to cover avoiding take-home exposure, add ~15 minutes
- Require recordkeeping of training for 2 years
- Provide worker/handler with record to bring to subsequent employer to show that valid training has been received



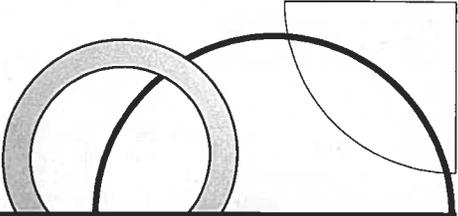
Proposed Changes – Notification

Current

- Oral or posted notification of treated areas unless labeling requires both
- Early entry workers (entering during Restricted-Entry Interval – REI) must receive PPE

Proposed

- Post treated areas when product REI is greater than 48 hours
- For early entry workers, provide oral notification including information about the pesticide application, specific task to be performed, and the amount of time that the worker is allowed to remain in the treated area
- Require recordkeeping for notification of workers entering fields when REI in effect



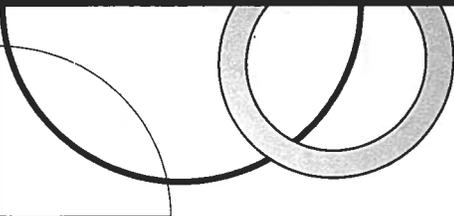
Proposed Changes – Minimum Age

Current

- No minimum age

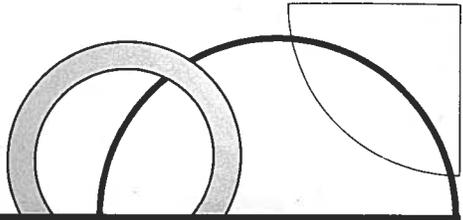
Proposal

- Require pesticide handlers and early entry workers (entering during REI) to be at least 16 years old
- Exempt members of owner's immediate family from this requirement, as with most requirements in the WPS



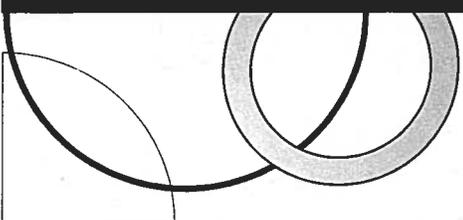
Annual Cost of \$64-76 million

- Upper bound estimate
 - All 395,000 farms and 2.3 million workers covered by all requirements.
- \$420/year for large farms (sales >\$750,000/year)
- \$160/year for small farms, ~0.1% of annual sales
- No Impact on Jobs: Would cost an additional \$5/year to employ a worker and \$65/year to employ a handler



Benefits

- **Estimated reduction in incidents of 50 – 60%, up to 2,800 incidents per year**
- **Quantifiable benefits from preventing acute agricultural worker illnesses: \$10 – 15 million per year**



Break-Even Analysis

- “Break-even analysis” approach used to estimate the number of cases of chronic illnesses that the rule would have to prevent in order for the benefits to exceed the costs
- Estimate developed using the cost to treat the illness and willingness to pay to avoid the illness
- Illnesses considered chosen based on review of literature to find illnesses where there is a possible association with pesticide exposure and advice from the EPA’s Office of Policy
- Illnesses considered are non-Hodgkin’s lymphoma, prostate cancer, Parkinson’s disease, lung cancer, bronchitis and asthma
- If only 0.8% (53 cases per year) of these illnesses among farmworkers are prevented by the rule, the benefits of the proposed rule would exceed the cost (>\$64M in benefits)

